

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JACK MARRONE, KAREN MARRONE,	:	
both individually and in their capacity as	:	
parents and guardians for	:	CIVIL ACTION - LAW
VIDA MARRONE, a minor, and	:	
MATTHEW MARRONE	:	
Plaintiffs	:	
	:	
v.	:	CASE NO.: 1:CV-01-0773
	:	
	:	JURY TRIAL DEMANDED
ALLSTATE INSURANCE COMPANY,	:	
LINDA M. EDLEMAN, FRED SCHAFER,	:	
MT. GRETNAL REALTY, and	:	(JUDGE KANE)
HOUSEMASTER	:	
Defendants	:	

**DEFENDANT HOUSEMASTER'S BRIEF IN SUPPORT OF ITS**  
**MOTION FOR LEAVE TO FILE BRIEF**  
**IN EXCESS OF PAGE LIMITATION**

**I. INTRODUCTION**

Before this Court is Defendant HouseMaster's Motion for Leave to File Brief in Excess of Page Limitation. By way of this Motion, HouseMaster seeks leave of this Court to file its Brief in Support of Renewed Motion for Summary Judgment on Counts VIII through XI of the Amended Complaint in excess of the Court's fifteen (15) page, 5,000 word limitation, but not to exceed forty (40) pages in length.

## II. STATEMENT OF THE CASE

In this action, Plaintiffs Jack Marrone, Karen Marrone, Matthew Marrone and Vida Marrone allege that they purchased a home which became infested with toxic mold due to undisclosed water problems with the subject property. Plaintiffs instituted this action by filing a Complaint in this Court on May 3, 2001 against their homeowners' insurance company, Allstate Insurance Company, the seller of the subject property, Linda Edleman, the seller's real estate agent and agency, Fred Schafer and Mt. Gretna Realty, and the home inspection company, HouseMaster.

Plaintiffs filed an Amended Complaint adding Matthew Marrone to the action as a party-Plaintiff. In their Amended Complaint, Plaintiffs allege claims of: (1) negligence; (2) misrepresentation; (3) breach of contract; and (4) violation of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. 201, *et seq.* ("UTPCPL"), against HouseMaster.

On April 29, 2003, this Court issued an Order setting new case management deadlines. Pursuant to the April 29<sup>th</sup> Order, dispositive motions and supporting briefs are due to this Court on or before May 16, 2003.

HouseMaster filed a Motion for Leave to File Brief in Excess of Page Limitation on May 14, 2003. This Brief is filed in support of that Motion.

### III. QUESTION PRESENTED

- A. Where this matter involves a detailed factual background along with numerous issues associated with HouseMaster's Renewed Motion for Summary Judgment on all four Counts of Plaintiffs' Amended Complaint alleging negligence, breach of contract, misrepresentation and violation of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. 201, *et seq.*, as well as Plaintiffs' claims for personal injury damages, should HouseMaster's Motion for Leave to File Brief in Excess of Page Limitation be granted?

(Suggested Answer: Yes.)

### IV. ARGUMENT

- A. HouseMaster's Motion for Leave to File Brief in Excess of Page Limitation Should Be granted**

Plaintiffs Jack Marrone, Karen Marrone, Matthew Marrone and Vida

Marrone allege in this action that they purchased a home which became infested with toxic mold due to undisclosed water problems with the subject property.

Plaintiffs instituted suit by filing a Complaint in this Court on May 3, 2001 against their homeowners' insurance company, Allstate Insurance Company, the seller of the subject property, Linda Edleman, the seller's real estate agent and agency, Fred Schafer and Mt. Gretna Realty, and their home inspection company, HouseMaster.

On November 2, 2001, Plaintiffs filed an Amended Complaint adding Matthew Marrone to the action as a party-Plaintiff and alleging claims of (1) negligence; (2) misrepresentation; (3) breach of contract; and (4) violation of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. 201, *et seq.* ("UTPCPL"), against HouseMaster. Discovery in this matter is closed and,

pursuant to this Court's April 29, 2003 Order, dispositive motions and supporting briefs are due to this Court on or before May 16, 2003.

Pursuant to Local Rule 7.8 for the United States District Court for the Middle District of Pennsylvania, all pre-trial briefs filed in support of pre-trial motions may not exceed either fifteen (15) pages in length or 5,000 words. Local Rule 7.8 provides further:

No brief exceeding the limits described in this rule may be filed without prior authorization. Any motion seeking such authorization shall specify the length of the brief requested and shall be filed at least two working days before the brief is due.

Local Rule 7.8(b)(3).

HouseMaster has prepared a Renewed Motion for Summary Judgment, along with a supporting brief. HouseMaster's Brief is forty (40) pages in length. HouseMaster seeks authorization from this Court to file its brief in excess of the stated page limitation in Local Rule 7.8(b). This matter involves a detailed factual background, along with numerous issues associated with Plaintiffs' claims of negligence, breach of contract, misrepresentation and violation of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. 201, *et seq.*, as well as Plaintiffs' claims for personal injury damages. Further, pursuant to the Local Rules for the United States District Court for the Middle District of Pennsylvania, typeface on all documents must now be 14-point or larger, allowing for approximately eighteen double-spaced lines per page. Thus, in order to allow for reasonable presentation of

argument addressing each of the issues raised by HouseMaster through its Renewed Motion, including issues not addressed in HouseMaster's original Brief in support of Motion for Summary Judgment, HouseMaster respectfully requests that the Court permit it to file its Brief in Support of its Renewed Motion for Summary Judgment in excess of the Court's fifteen (15) page/5,000 word limitation, but not to exceed forty (40) pages in length.<sup>1</sup>

## **V. CONCLUSION**

For the foregoing reasons, Defendant HouseMaster respectfully requests that the Court allow it to file its Brief in Support of its Motion for Summary Judgment in excess of the fifteen (15) page/5,000 word limit, but not exceeding forty (40) pages in length.

Respectfully submitted,

/s/ Jennifer L. Murphy

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Attorneys for Defendant HouseMaster

Date: May 14, 2003

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<sup>1</sup> Notably, while Plaintiffs' counsel does not concur in the present motion, counsel had concurred in HouseMaster's previous request to file its Brief in Support of Summary Judgment in excess of the Court's stated limit, but not exceeding thirty-five (35) pages.

**CERTIFICATE OF SERVICE**

AND NOW, this 14<sup>th</sup> day of May, 2003, I hereby certify that I have caused to be served a copy of foregoing document on the following by depositing a true and correct copy of the same in the U.S. Mail at Harrisburg, Pennsylvania, postage prepaid, addressed to:

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By: /s/ Jennifer L. Murphy  
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